

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CODY LEAVITT,

Petitioner,

v.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:12-cv-00625-MMD-NJK

ORDER

This is an action on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner's counsel filed a Motion to Withdraw as Counsel (dkt. no. 40), citing a scheduling conflict with a 4-6 weeks trial as the sole reason.<sup>1</sup> Following a hearing, the Court denied the motion and extended the time for filing the amended petition. (Dkt no. 43.)

Petitioner, acting in *pro se*, has filed an objection to the order denying withdrawal, suggesting that the motion to withdraw created a conflict of interest where counsel has not communicated properly or effectively with petitioner (dkt. no. 44). He has also filed a motion to correct clerical error and to rehear his request for bail pending appeal (dkt. no. 45). Respondents oppose his motions (dkt no. 46).

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<sup>1</sup>Petitioner also has a second action proceeding on a petition for writ of habeas corpus in which the same counsel has been appointed and in which a similar motion has been filed. See 2:12-cv-00987-JCM-CWH.

1 The Court denies petitioner's objection for two reasons. First, Local Rule IA 10-  
2 6(A) prohibits a party who has appeared through counsel from acting in the case.  
3 Petitioner thus cannot undertake to represent himself by filing his objection pro se.

4 Second and equally important is that petitioner's objection fails to raise any good  
5 cause for the Court to reconsider its decision.

6 IT IS THEREFORE ORDERED that petitioner's Motions for Reconsideration and  
7 Rehearing (dkt. nos. 44 and 45) are DENIED.

8 IT IS FURTHER ORDERED that the Clerk shall not accept for filing any further  
9 *pro se* documents from petitioner except a motion to withdraw counsel filed on his own  
10 behalf, as discussed at the hearing of March 25, 2013.

11 DATED THIS 24<sup>th</sup> day of June 2013.

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15 MIRANDA M. DU  
16 UNITED STATES DISTRICT JUDGE  
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